

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN,	§
	§ No. 757, 2010
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0908020496
	§
Plaintiff Below-	§
Appellee.	§

Submitted: December 30, 2010

Decided: January 6, 2011

**ORDER**

This 6<sup>th</sup> day of January 2011, it appears to the Court that, on December 13, 2010, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) based upon this Court's lack of jurisdiction to entertain a criminal interlocutory appeal.<sup>1</sup> The appellant has failed to respond to the notice to show cause within the required 10-day period.<sup>2</sup> Therefore, dismissal of this action is deemed to be unopposed.

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<sup>1</sup> Del. Const. art. IV, §11(1)(b).

<sup>2</sup> The appellant filed papers in the Court on December 29, 2010 and January 4, 2011, but they did not respond to the notice to show cause.

NOW, THEREFORE, IT IS ORDERED, pursuant to Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice